



Appeal Decision

Site visit made on 8 January 2025

by **Stewart Glassar BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 January 2025

Appeal Ref: APP/H2265/D/24/3346368

Park Head Cottage, Wrotham Hill Road, Wrotham, Sevenoaks, Kent TN15 7QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr James Kay against the decision of Tonbridge and Malling Borough Council.
 - The application Ref is TM/23/02001/FL.
 - The development proposed is described as the demolition of existing single bay brick, flat roofed garage and replacement with two bay timber framed pitched roof garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - (b) the effect of the proposal on the openness of the Green Belt;
 - (c) the effect of the proposed development on the character and appearance of the building and wider area, with particular regard to the Kent Downs National Landscape; and
 - (d) whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

3. The appeal site lies within the Green Belt identified under Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007 (CS). This establishes the extent of the Green Belt and states that Green Belt policy will be applied. The Framework stipulates that development in the Green Belt will be inappropriate unless it accords with any of the exceptions set out in Paragraphs 154 and 155.
4. The Council considered and rejected the proposal as not being in accordance with the exception set out in Paragraph 154(d) of the Framework. There is no challenge to the Council's approach in relation to this Paragraph and so there is no need for me to address that exemption in my decision.

5. The only exception on which the appellant bases their appeal is Paragraph 154(c). This allows for the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.
6. The Courts have held that proposals to replace existing curtilage buildings can be considered under paragraph 154(c). In my judgement, the existing and proposed garages could be considered to be normal domestic adjuncts to the dwelling. Thus, they can be taken as being extensions and so any assessment must be against the size of the 'original building' rather than a direct comparison between the existing and proposed garages. An assessment of size includes aspects such as footprint, floorspace, height, volume and visual perception.
7. The Framework defines "original building" as being a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. The term 'disproportionate additions' is not defined in the Framework and is therefore a planning judgment. The appellant also points out that the term 'limited' is not defined in the Framework but that is not a term used in this particular exception and so is not something I need to address.
8. Planning permission was granted for the existing garage in 1983, but the property has been subject to a number of extensions over the years. The rear garden also contains a number of wooden outbuildings. These collectively represent notable extensions, but do not tip over into being disproportionate additions.
9. The proposed garage would have a similar depth to the existing one but would have a greater width. Whilst the increased width is not extensive, the resulting garage would be particularly evident as a result of its roof. Indeed, it is the size and height of the roof which contributes most to the overall scale and mass of the garage building. This in turn means that when considered in the context of the previous enlargements of the dwelling, the proposal would represent a disproportionate addition to the size of the original building.
10. Therefore, the proposal would be inappropriate development which is, by definition, harmful to the Green Belt. Consequently, the proposal would conflict with Policy CP3 of the CS and with the Framework, which seeks to protect the Green Belt from harm.

Openness

11. The proposal would increase the overall volume and bulk of built form at the site. The effect of this is partly mitigated by the size of the plot, the surrounding terrain and landscaping. Nevertheless, the height and the size of the roof would make the building highly visible from some nearby viewpoints. This would represent a visual intrusion and perceptible spatial erosion of Green Belt openness.
12. Avoiding harm to openness does not mean that no change can occur. However, whilst the change here would be limited and localised, there would nonetheless be an impact on openness to the extent that there would be a small amount of harm to Green Belt openness. As per Paragraph 153 of the Framework, any harm to the Green Belt, including harm to its openness, attracts substantial weight.

Character and Appearance

13. The site lies within the Kent Downs National Landscape (KDNL) an area designated for its landscape and scenic beauty. The Framework requires that I

have regard to the purpose of conserving and enhancing the natural beauty of the area and should give great weight to these objectives. Policy CP7 of the CS similarly seeks to ensure that development detrimental to the natural beauty of the area will not be permitted. The policy requires, amongst other things, an appropriate design and use of sympathetic materials and regard to local distinctiveness and landscape character.

14. There is limited evidence before me in relation to the landscape characteristics and qualities of the KDNL. Nevertheless, I observed on my site visit that the area around the development is generally characterised by rolling countryside of a pastoral nature, punctuated by areas of woodland and scattered buildings.
15. The Council does not dispute that purely in terms of its design, the appearance of the proposed structure would be in keeping with the area. I do not disagree with this conclusion, nor do I find the external materials to be out of keeping with the site and its wider location. Indeed, the proposal would have many of the characteristics of a residential outbuilding sited within an established curtilage.
16. However, the ridge height of the garage would be comparable to that of the existing dwelling, and this, together with the overall scale of the roof, would mean that the structure would appear out of scale with, and not subservient to the existing house. This would only be evident from certain viewpoints but even so, the proposal would be a dominant structure which would detract from the character and appearance of the host dwelling. As a dominant, developed feature it would run counter to the policy objectives for the National Landscape.
17. Consequently, it would be contrary to Policies CP7 and CP17 of the CS which, amongst other things, seek to restrict development in the countryside and protect the National Landscape. The proposal would also be contrary to Paragraph 189 of the Framework which requires that in National Landscapes great weight be given to conserving and enhancing landscape and scenic beauty.

Green Belt Balance

18. The Government attaches great importance to Green Belts. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt. I have found harm to the Green Belt by reason of the proposed development's inappropriateness. There is also harm to the Green Belt due to the effect on openness. The considerations advanced by the appellant, even when considered together, do not clearly outweigh the totality of the harm. The very special circumstances necessary to justify the development therefore do not exist. Consequently, the proposed development conflicts with Paragraph 153 of the Framework and Policy CP3 of the CS, the aims of which are set out above.

Conclusion

19. The proposal does not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

Stewart Glassar
INSPECTOR